

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CLARENCE PAYNE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:08-cv-0296-WKW
)	
RICHARD ALLEN, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On April 23, 2008, the Magistrate Judge filed a Recommendation (Doc. # 3) in this case to which no timely objections were filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. # 3) is ADOPTED;
2. The plaintiff's Motion for a Writ of Mandamus (Doc. # 5) is DENIED;
3. The plaintiff's challenge to the constitutionality of his transfer is DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i);
4. The plaintiff's criminal conspiracy claim is DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i);
5. The plaintiff's civil conspiracy claim is DISMISSED with prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii);

6. The plaintiff's claims against defendants Bob Riley and Richard Allen are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii);
7. Bob Riley and Richard Allen are DISMISSED as defendants in this case;
8. This case, with respect to the plaintiff's access to court claim arising during his confinement at the Southeast Correctional Center in Basile, Louisiana, is TRANSFERRED to the United States District Court for the Western District of Louisiana pursuant to the provisions of 28 U.S.C. § 1404.

DONE this the 3rd day of June, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE